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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 2034 OF 2006
IN
CRIMINAL APPLICATION NO. OF 2006

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's Order	Court's or Judge's Order

Mr.P.A. Pol-APP-State.
None for the respondents.

CORAM : R.S. MOHITE, J.

DATE : 27TH NOVEMBER, 2007.

P.C. :-

. This criminal application seeking leave to appeal is filed in respect of a Judgment and order dated 23rd January, 2006 by the Judicial Magistrate, First Class, Kolhapur in Regular Criminal Case No.814 of 2002. On perusal of the impugned Judgment and Order, I find that the same based on cogent and acceptable reasons and the accused persons are rightly acquitted for the offences punishable under section 420, 468 and 471 read with

section 34 of Indian Penal Code. The case of the complainant was that the accused person slapped him. The accused were the owners of the plot of land through which there was a road. Finding is that the complainant has not been able to produce any documentary evidence to prove that there was a road on the date when he obtained the sale deed. The complainant has admitted in his evidence that he had verified all documents prior to the sale deed. As regards the second allegation of making promise to convey another plot, the evidence indicates that the agreement in regards. This transaction does not indicate that it was in the nature of an exchange or was by way of compensation for loss of area due to road. It is not the fit case to interfere the appeal against the order. Hence leave is refused and the application stands rejected.

(R.S. MOHITE, J.)